

REMARKS

I. Claim Rejections – 35 U.S.C. § 103

Requirements for Prima Facie Obviousness

The obligation of the examiner to go forward and produce reasoning and evidence in support of obviousness is clearly defined at M.P.E.P. §2142:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness by the Examiner (assuming there are no objections or other grounds for rejection), an applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992). Thus, in order to support an obviousness rejection, the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met.

Applicant further notes that the U.S. Supreme Court ruling of April 30, 2007 (*KSR Int'l v. Teleflex Inc.*) states:

“The TSM test captures a helpful insight: A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art. Although common sense directs caution as to a patent application claiming as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the art to combine the elements as the new invention does.”

“To facilitate review, this analysis should be made explicit.”

The U.S. Supreme Court ruling states that it is important to identify a *reason* that would have prompted a person to combine the elements and to make that analysis *explicit*.

Claims 1-22 stand rejected under 35 USC 103(a) as being unpatentable over Shimizu et al, US 7,167,277 (hereinafter Shimizu), in view of Mahy, US 5,832,109 (hereinafter Mahy) and as applied to Holub, US 6,750,992 (hereinafter Holub).

Regarding claims 1 and 10, the Examiner rejected the Applicant's previously submitted arguments. First, the Applicant continues to assert the arguments offered in previous responses, in defense of these claims are still applicable.

In addition, the Applicant respectfully directs the Examiner's attention to the amendments to claims 1 and 10. Claim 10 now includes the limitation that a transformation module be included within an iterative controller as disclosed in the Applicant's specification. The Applicant respectfully submits none of the references discloses such an internal structure. Therefore, the Applicant respectfully requests the rejection of claim 10 be withdrawn.

Similarly, the Applicant respectfully directs the Examiner's attention to the amendments to claim 1. The claim has been amended to include the limitation that a dedicated gamut mapping function be included. None of the referenced material includes such a limitation. In addition, the Applicant has highlighted the fact that this method will maintain color hue through the mapping process. Thus, the Applicant believes claim 1 is now in condition for allowance.

Regarding the claims dependent on independent claim 1, the Applicant respectfully directs the Examiner's attention to the amendments to claims 2-8. Most notably, the Applicant respectfully requests the Examiner review the amendments to claim 6. Claim 6, as amended discloses a ray based method for performing the claimed gamut mapping. This ray based approach is completely unique to the present invention and is therefore no longer obvious

in view of the Shimizu or Mahy references. As such, the Applicant respectfully requests the rejections of claims 2-8 be withdrawn.

Regarding the claims dependent on independent 10, the Applicant respectfully requests the Examiner review the amendments to claims 13 and 20. Most notably, the Applicant respectfully directs the Examiner's attention to the amendment to claim 13 describing the use of a standard International Color Consortium framework within a compensation module used for reducing a three dimensional to a two dimensional order. This limitation is not disclosed in any of the references cited by the Examiner. Therefore, the Applicant respectfully requests the rejection of these claims be withdrawn.

Regarding independent claim 9, the Applicant respectfully requests the Examiner review the amendments to the claim. The Applicant has amended the claim to more clearly describe its limitations. The Applicant believes in view of these amendments claim 9 is now in a condition for allowance. As such, the Applicant respectfully requests the rejection of claim 9 be withdrawn.

II. Conclusion

In view of the foregoing discussion, the Applicant has responded to each and every rejection of the Official Action. The Applicant has clarified the structural distinctions of Applicant's invention via the amendments and discussion provided herein. Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §103 based on the preceding remarks. Reconsideration and allowance of Applicant's application is also respectfully solicited.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,



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